

Application No.: 10/050,366  
Response to Office Action of August 13, 2003  
Attorney Docket: ROPTK-002CQ

## REMARKS

This is in response to the non-final Office Action dated August 13, 2003.

The Office Action rejected Claim 10 under 35 U.S.C. 102(e) as being anticipated by Janssen et al. (U.S. patent No. 6,461,709). The Office Action stated that Claim 11 contained allowable subject matter, but was rejected as being dependent on a rejected base claim.

### Rejection Under 35 U.S.C. § 102

The Office Action rejected Claim 10 under 35 U.S.C. §102(e) as being anticipated by Janssen et al. (U.S. Patent No. 6,461,709). Claim 10 includes “a clear uninterrupted adhesive layer interposed between each said removable lens.” As discussed in the background section of the present application:

Most common materials used as plastics have optical index of refraction ranging from 1.47 to 1.498. The index mismatch between the removable lens and air (air has an optical index of 1.00) causes a reflection of 4% of the light that would normally come to the operator’s eyes. This reflection effect is additive for each additional surface to air interface. Then for each removable lens having two surfaces, the reflections are 8%. Thus a stack of seven lenses would reflect 42% of the light away from the operator thereby reducing the brightness of the objects viewed. A second optical phenomenon occurs simultaneously that also reduces visibility. The reflections are bi-directional and thus make the lens stack appear as a semi-permeable mirror to the operator. This mirror effect further reduces visibility, because the light that passes through the lens stack reflects off of the operator’s face and then reflects off of the lens stack into the operator’s eyes. The effect to the operator is that he sees his own image on the inside of the stack nearly as brightly as the objects viewed on the outside. This significantly reduces visibility.

Another drawback to this stacking arrangement is that moisture exhaled by the operator’s breath can cloud or fog-up the lenses also reducing visibility. The air spaces between each lens allows the moisture to enter this area. Page 1, Col. 16 – Page 3, Col. 17.

The Janssen reference does not teach or disclose “a clear uninterrupted adhesive layer interposed between each removable lens” as required by Claim 10. The clear, uninterrupted adhesive layer of Claim 10 overcomes the prior art problems addressed in the background section and noted above. The adhesive layer is not interrupted (e.g., nothing between film

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layers except adhesive layer, e.g., no other layer, such as the optional release layer disclosed in the Janssen reference and no air gaps.

The adhesive layer disclosed in the Janssen reference does not teach or suggest such a "clear, uninterrupted adhesive layer." The layer disclosed in the Janssen reference may not be continuous and may only cover 80 percent of the surface area. Col. 11, lines 25-29. The bonding layer disclosed in the Janssen reference may be in contact with a release layer. The bonding layer disclosed in the Janssen reference is relatively thick, preferably with a "thickness ranging from about 5 microns to about 150 microns, more preferably about 10 to about 50 microns, and most preferably about 10 to about 25 microns." Col. 11, lines 30-33. The subject matter in the Janssen reference is primarily concerned with the protection of the object to which the sheets are attached, not with the visibility through the stack of lenses. While the Janssen reference does state that there is preferably no effect on visual acuity, it also states that the haze value is less than about 10%, more preferably less than about 5%, and most preferably less than about 3%. Col. 9, lines 51-55. Furthermore, the Janssen reference allows for a significant decrease in visual acuity, such that when the stack of sheets of the Janssen reference are "subjected to a visual acuity test using a 3 meter Snellen eye chart can allow an observer with 6 meter/6 meter vision to read a line on the eye chart which is indicative of about 6 meter/12 meter vision or better." Col. 4, lines 10-14.

Based on the foregoing, Applicants respectfully submit that Janssen reference does not teach or disclose all of the limitations of independent Claim 10. As such, Applicants respectfully request reconsideration and withdrawal of the rejection.

### **Allowable Subject Matter**

The Office Action indicated that Claim 11 included allowable subject matter and was merely objected to as being dependent on a rejected base claim. As discussed above, Claim 10, the claim from which Claim 11 depends is believed allowable. As such, Claim 11 is believed allowable in its present (dependent) form.

### **New Claims**

New Claims 12-17 have been added. Claims 12 and 13 are dependent claims depending from Claim 10, Claims 14 and 16 are new independent claims and Claims 15 and 17 are new dependent claims depending from Claims 14 and 16, respectively.

Support for the additional limitations recited can be found in the specification at Page 8, line 20 – Page 9, line 7.

Applicants believe that all of the new claims include limitations not taught or suggested by the prior art of record. Therefore, Applicants believe that all of the new claims are allowable.

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**CONCLUSION**

In view of the foregoing, Applicants respectfully submit that all of the remaining claims, namely, Claims 10-17 are allowable. Therefore, Applicants request that the application be passed to issue. Should the Examiner have any questions or any suggestions for expediting the allowance of the claims, the Examiner is invited to contact Applicants' representative at the number listed below.

If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

Date: 10/23/03 By:

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